

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

FEBRUARY 1, 2011

The scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, February 1, 2011 at 3:13 p.m., in Committee Room #2**. The following members were present:

**The Honorable Ivory L. Young, Jr., Chair
The Honorable Michael J. Bond, Vice-Chair
The Honorable C. T. Martin
The Honorable Alex Wan
The Honorable Joyce Sheperd
The Honorable Keisha Lance Bottoms**

The following member was absent:

The Honorable Yolanda Adrean

Others present at the meeting were: Deputy City Attorney Jerry Deloach, Law Department; Assistant Chief, Peter Andresen, Deputy Chiefs Calvin Moss and Shawn Jones, Police Department; Deputy Chief Wilmond Meadows, Fire and Rescue; Cristina Beamud, Atlanta Citizen Review Board; David Bennett, Office of the Mayor; media, public and council staff.

Chairman Young called the meeting to order at 3:13 p.m. after declaring a quorum present. He then proceeded with the following order of business:

A. ADOPTION OF AGENDA - ADOPTED

B. APPROVAL OF MINUTES - APPROVED

C. REPORT

Atlanta Citizen Review Board, Cristina Beamud, Executive Director

CONSENT

D. RESOLUTIONS

Claims with favorable recommendations:

- 11-R-0113 (1) Claim of **Elizabeth E. Vickery c/o Morgan & Morgan (DPW/2)**, for bodily injuries alleged to have been sustained after falling due to a crack in between the sidewalk sections on August 21, 2009 at 103 Centennial Olympic Park Drive.
\$60,000.00

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-0114 (2) Claim of **National Subrogation Services, LLC, as subrogee of George McGugin, through its attorney, John B. Jackson (DWM/08)**, for damages alleged to have been sustained as a result of flooding due to storm water overflow on September 22, 2009 at 3085 West Andrews Drive, NW.
\$16,000.00
- 11-R-0115 (3) Claim of **Allstate Insurance Company, as subrogee of Karla Magruder (APD/03)**, for damages alleged to have been sustained as a result of a vehicular accident on July 16, 2010 at 820 West Marietta Street.
\$8,264.19
- 11-R-0116 (4) Claim of **State Farm Insurance Companies, as subrogee of Holley Henderson (DPW/03)**, for damages alleged to have been sustained as a result of a vehicular accident on August 2, 2010 at Howell Mill Road at 14th Street.
\$6,026.76
- 11-R-0117 (5) Claim of **Liberty Mutual, as subrogee of Latoya A. Tavernier**, for property damages alleged to have been sustained as a result of an automobile accident on May 10, 2010 at 3490 Piedmont Road, NE.
\$4,221.83
- 11-R-0118 (6) Claim of **Allstate Insurance Company, as subrogee of Gregory Eason**, for vehicle damages alleged to have been sustained as a result of driving over a pothole on April 19, 2010 at 100 Auburn Avenue.
\$6,789.03
- 11-R-0120 (7) Claim of **GEICO, as subrogee of Glenn Wright (DPW/11)**, for damages alleged to have been sustained as a result of an automobile accident on October 26, 2010 at Niskey Lake Road, SW and Campbellton Road, SW.
\$4,244.14
- 11-R-0121 (8) Claim of **Maria Iler (APD/05)**, for vehicular damages alleged to have been sustained from an automobile accident on September 12, 2010 at Rogers Street, NE and Hosea L. Williams Drive, NE.
\$2,136.65
- 11-R-0128 (9) Claim of **Kenneth W. Priest (DWM/03)**, for damages alleged to have been sustained as a result of an automobile accident on November 16, 2010 at 1370 Howell Mill Road, NW.
\$1,026.46

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-0119 (10) Claim of **Progressive, as subrogee of Timothy McDermott (DPW/08)**, for damages alleged to have been sustained as a result of a street striping project on April 6, 2010 on Moores Mill Road, NW.
- 11-R-0122 (11) Claim of **Aaron Cobb and Jamie Ravenscraft, through their attorney, Clint Sitton (DWM/01)**, for damages alleged to have been sustained as a result of flooding due to storm water on July, 11, 24 and 25, 2010 at 902 Teton Avenue.
- 11-R-0123 (12) Claim of **Caroline Philson, through her attorney, Clint Sitton (DWM/01)**, for damages alleged to have been sustained as a result of flooding due to storm water on January 30 2010 and April 4, 2010 at 898 Teton Avenue.
- 11-R-0124 (13) Claim of **James Murphy, through his attorney, Clint Sitton (DWM/01)**, for damages alleged to have been sustained as a result of flooding due to storm water on January 25, 2010 and March 24, 2010 at 888 Teton Avenue.
- 11-R-0125 (14) Claim of **Kevin Wisneski, through his attorney, Clint Sitton (DWM/01)**, for damages alleged to have been sustained as a result of flooding due to storm water on January 24, 2010, April 10 and 15, 2010 at 918 Teton Avenue.
- 11-R-0126 (15) Claim of **Marcos and Laurie Pieras, through their attorney, Clint Sitton (DWM/01)**, for damages alleged to have been sustained as a result of flooding due to storm water on January 24, 2010, April 25, 2010 and May 3, 2010 at 905 Teton Avenue.
- 11-R-0127 (16) Claim of **Will Stanley, through his attorney Clint Sitton (DWM/01)**, for damages alleged to have been sustained as a result of flooding due to storm water on January 24, 2010, May 3, 2010 and June 11, 2010 at 894 Teton Avenue.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-0129 (17) Claim of **Alan Gray, Inc., on behalf of Aspen Specialty Insurance Company, as subrogee of Cascade Family Skating, LLC (DWM/10)**, for damages alleged to have been sustained due to a water main break on June 29, 2009 at 3335 Martin Luther King, Jr. Drive, SW.
- 11-R-0130 (18) Claim of **Word of Life Outreach Ministries c/o George Ballard, Jr. (DWM/10)**, for damages alleged to have been sustained due to a water main break on June 28, 2009 at 3458 Delmar Lane, SW.
(Councilmember Wan made a motion to approve Items D1-D18)

FAVORABLE

REGULAR

E. ORDINANCE FOR SECOND READING

- 11-O-0104 (1) An Ordinance by Councilmember Ivory L. Young, Jr. to waive for the Police Recruit Classes 214, 215 and 216, Section 98-26.1 of the Code of Ordinances of the City of Atlanta which requires all members of each class of graduates from the Police Academy to be assigned for Foot Patrol Duty; and for other purposes.
(Councilmember Sheperd made a motion to file.)

FILE

F. RESOLUTIONS

- 11-R-0028 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claim against the City of Atlanta in the case of **Ronald Whitehead v. City of Atlanta**, Civil Action File No. 2010CV189369, in the amount of \$8,000.00; authorizing said payment to be charged to and paid from Fund, Account, Center Number and Functional Activity listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Bond made a motion to approve.)

FAVORABLE

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RESOLUTIONS (CONT'D)

- 11-R-0131 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to accept a donation of 333 gallons of Chemguard Alcohol-Resistant Aqueous Film Forming Foam (AR-AFFF) extinguishing agent from the Quantity Metro Tech Center on behalf of the Department of Fire Recue for the purpose of providing additional fire protection for above ground fuel storage tanks and facilities; and for other purposes.
(Councilmember Bond made a motion to approve.)

FAVORABLE

G. PAPERS HELD IN COMMITTEE

- 10-R-0137 (1) A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)**

HELD

- 10-O-0397 (2) An Ordinance by Councilmember H. Lamar Willis **as substituted by Public Safety and Legal Administration Committee** amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. (Public Hearing held 4/27/10) **(Held 4/27/10 for further evaluation and review.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-0399 (3) An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review.)**

HELD

- 10-O-0728 (4) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts Holding Permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes. **(Held 5/11/10 for further review.)**

HELD

- 10-R-0855 (5) Claim of Ron Tusso, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. **(Held 5/11/10 for further review by the Law Department)**

HELD

- 10-O-1173 (6) An Ordinance by Councilmembers Ivory L. Young, Jr. and C. T. Martin imposing a Ninety (90) Day Moratorium on the City's Public Property Vending Program; to create a subcommittee to study and review the operation of the Public Property Vending Program; to waive conflicting ordinances; and for other purposes. **(Referred back from Council 7/19/10) (Held 7/27/10 for further review.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1342 (7) An Ordinance by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, C. T. Martin, Felicia A. Moore and Ivory L. Young, Jr. to amend Chapter 10, Article II, Division 3 of the Code of Ordinances of the City of Atlanta, Georgia by creating a new Section 10-130 to be entitled "Extended Hours Permit Pilot Program"; to temporarily waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances in the Edgewood Avenue/Auburn Avenue District of the City so as to allow for a Pilot Program to examine the impact of extending the permissible hours for establishments authorized to sell alcoholic beverages for on-premises consumption; to define the boundaries of the Edgewood Avenue/Auburn Avenue District; to waive conflicting ordinances for this instance only; and for other purposes. **(Held 7/13/10 for further discussion)**

HELD

- 10-R-1343 (8) A Resolution by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, Felicia A. Moore, Joyce Sheperd, Ivory L. Young, Jr., Natalyn M. Archibong and Carla Smith **as amended by Public Safety and Legal Administration Committee** to establish a Task Force to review the Alcoholic Beverage Licensing Process generally, from application to License Review Board consideration and to the enforcement of Alcoholic Beverage Laws, Ordinances and Regulations; to authorize the Public Safety and Legal Administration Committee to determine the membership structure of the Task Force; and for other purposes. **(Amended and held 7/13/10 for further discussion)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1809 (9) An Ordinance by Councilmembers Kwanza Hall and Natalyn Archibong to create a new Division 3 (To be entitled "Street Food Vending Program") of Article XXIII ("Vending on Public Property") of the Code of Ordinances of the City of Atlanta, Georgia which Division shall provide the regulatory framework by which street food vending in the City of Atlanta shall be governed, including but not limited to, the creation of street food vending sites, rules and regulations, and the criteria for the issuance of permits and the cost thereof; to waive conflicting ordinances; and for other purposes. **(Held 10/12/10, for further review.)**

HELD

- 10-R-1813 (10) A Resolution by Councilmember Michael J. Bond requesting the Atlanta Police Department (APD) to study the feasibility of increasing the collaboration with the Atlanta Public Schools (APS) Security Operations; and for other purposes. **(Held 10/12/10, at the request of the author.)**

HELD

- 10-O-1880 (11) An Ordinance by Councilmembers Kwanza Hall, Aaron Watson, H. Lamar Willis, Michael J. Bond, Natalyn Archibong, Keisha Lance Bottoms, Alex Wan and Carla Smith authorizing the operation of Human-Drawn Vehicles (Pedicabs) within the City of Atlanta; to establish requirements and regulations for such program; and for other purposes. **(Held 10/26/10 for further review at the request of the author.)**

HELD

- 10-R-1928 (12) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to enter into an Agreement with 1-800-Board-Up for the purpose of securing structures and protecting valuables of fire victims and other disastrous incidents to residential properties within the City of Atlanta on behalf of the Department of Fire Rescue; and other purposes. **(Held 11/9/10 for further review.)**

(Councilmember Wan made a motion to file.)

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-2228 (13) An Ordinance by Councilmember H. Lamar Willis amending the City of Atlanta Code of Ordinances so as to add a new Section 2-1719, prohibition against the use of cell phones by City Employees while operating a vehicle in the performance of city business; and for other purposes. **(Held 12/14/10 for further review by the Law Department.)**

HELD

H. FOLLOW-UP ITEMS

1. Councilmember Adrean made a request that the Committee hear from Risk Management regarding analyzing self-insurance versus purchasing insurance.
2. Councilmember Young made a request to the committee members to submit to his office specific goals and objectives they would like the committee to address during the year 2011.
3. Councilmember Young requested that David Bennett make a report to the committee relating to the Vending contract every two weeks.

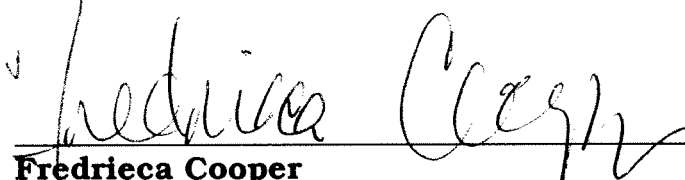
I. ANNOUNCEMENT

What: Municipal Court Follow-Up Work Session
When: Wednesday, February 23, 2011 at 9:00 a.m.
Where: Municipal Court

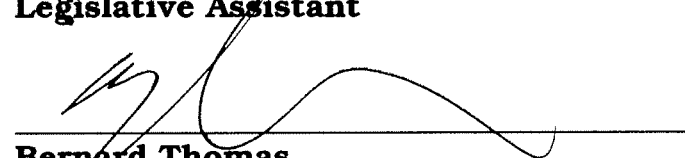
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There being no further business to come before the Committee, the meeting was adjourned at 4:19 p.m.

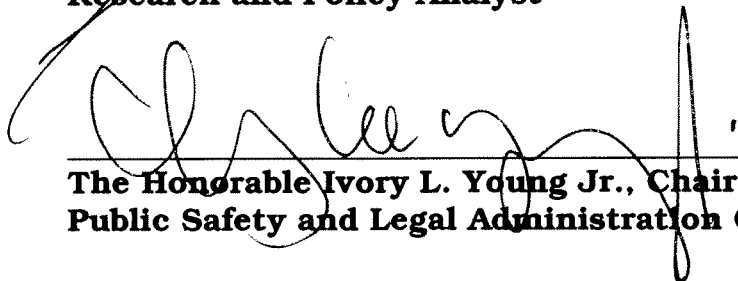
Respectfully Submitted:



Fredriecca Cooper
Legislative Assistant



Bernard Thomas
Research and Policy Analyst



The Honorable Ivory L. Young Jr., Chair
Public Safety and Legal Administration Committee